

Remarks:

In response to the Office action mailed May 5, 2005, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1-2, 6-9 and 12-19 in view of the above amendments and the following remarks.

First, Applicant would like to thank Primary Examiner Nguyen for his indication that claims 5-7 and 11-13 contain allowable subject matter.

The Examiner has first rejected claims 6 and 9-13 under 35 U.S.C. 112, second paragraph, for various antecedent basis issues. Accordingly, Applicant has amended claims 6, 9 and 13 to provide proper antecedent bases as indicated by the Examiner and respectfully requests that this basis for rejection be withdrawn.

The Examiner has next rejected claims 9-10 under 35 U.S.C. 102(b) as anticipated by Fulton et al., U.S. Patent No. 4,254,703. The Examiner characterizes Fulton as disclosing a strapping machine having a frame with a biased, movable carriage mounted thereto, a sealing head and a feed head mounted to the carriage and a strap chute. The Examiner states further that the sealing head and the feed head are operably mounted to the frame along a side of the frame for vertical movement, such that when strap is fed into the machine through the feed head and the sealing head, the strap traverses through the chute and is tensioned around the load and during tensioning, the carriage floats and is moved downward in the direction of tensioning.

The Examiner has also rejected claims 14-16 under 35 U.S.C. 102(b) as anticipated by Coleman, U.S. Patent No. 3,768,396. The Examiner characterizes Coleman as disclosing a strapping machine having a frame, a sealing head and a feed head mounted to a carriage (that is operably mounted to the frame) and a strap chute operably mounted to the frame. The Examiner further characterizes Coleman as including a bottom section that includes openings (to which the Examiner refers to the item at reference numeral 151) formed in the bottom chute section. Accordingly, the Examiner concludes that Coleman discloses the openings as claimed and therefore debris that is generated during handling of the load is capable ejecting itself.

The Examiner has also rejected claims 1-4 under 35 U.S.C. 103(a) as unpatentable over Fulton in view of Flaum et al. U.S. Patent No. 6,651,550. The Examiner states that Fulton teaches

the invention substantially as claimed and characterizes Flaum as teaching a strapping machine having a carriage including a feed head receiving region to carry a modular feed assembly and a sealing head receiver region to carry a modular sealing head. Flaum teaches this construction of the modular sealing and feed heads for easy removal and installation in the strapping machine to minimize down time. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to provide Fulton with the type of carriage and modular components as taught by Flaum to minimize down time of the strapping machine.

Next, the Examiner has rejected claims 1 and 8 under 35 U.S.C. 103(a) as unpatentable over Coleman in view of Fulton and Flaum. The Examiner states that Coleman discloses substantially the invention as claimed except for the movement of the carriage (with the sealing head and the feed head) as claimed, but that the patent to Fulton teaches a machine having a sealing head and a feed head mounted to a carriage that is biasedly mounted to a frame to allow for vertical movement along the frame to accommodate strap tensioning about a load, and states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Coleman with the movable carriage. As to the sealing head and the feed head being modular components, the Examiner states that the patent to Flaum teaches a strapping machine having a carriage that includes a modular feed assembly and a modular sealing head, and states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Coleman with the type of carriage having a modular feed assembly and a modular sealing head, as taught by Flaum in order to minimize down time of the strapping machine.

Last, the Examiner has rejected claims 17-19 under 35 U.S.C. 103(a) as unpatentable over Coleman in view of Fulton stating that Coleman discloses substantially the invention as claimed except for the vertical movement of the carriage having the sealing head and the feed head, and states further that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Coleman with a movable carriage having a feed head and a sealing head, as taught by Fulton, in order to impose a pulling force on a leading end of the strap during tensioning of a strap loop around the load.

Applicant has amended claims 1, 6 (rewritten in independent form), 9 and 14. The present invention as defined by claims 1, 6 and 9 is directed to a side seal strapping machine configured to feed a strapping material around a load, position, tension and seal the strapping material around the load. The machine includes a frame having a biased, movable carriage mounted thereto. A modular sealing head and a modular feed head are mounted to the carriage. A strap chute is mounted to the frame.

The carriage is mounted to the frame by a linear bearing mounted to a shaft and the carriage is biasedly mounted to the frame by a spring disposed about the shaft. When strap material is fed into the strapping machine through the feed head and the sealing head into the strap chute, the strap traverses through the chute and is tensioned around the load. During tensioning, the carriage, carrying the sealing head and the feed head, floats and is moved downward in the direction of tensioning.

Applicant submits that this structure is not disclosed in the art of record. Specifically, the art of record fails to disclose a carriage biasedly mounted to the frame by a linear bearing with a spring disposed about the shaft.

As to claim 14, applicant has amended this claim to recite that the strap chute is operably mounted to the frame and includes a bottom chute section, and that the passive debris ejection system includes generally downwardly oriented openings formed in the bottom chute section such that debris that is generated during handling of the load is ejected from the strap chute through the openings in the bottom chute section.

Applicant submits that this structure is not disclosed in the art of record, including the Coleman patent. Specifically, although the Coleman patent discloses openings (151) in the side walls of the chute, these openings are not intended for debris ejection. In fact, the openings are positioned on a *side wall* of the chute, and Applicant simply fails to see how these openings could serve to clear the chute (serve to facilitate ejecting debris). Rather, Applicant believes that even if the openings could be used to eject debris, the debris would collect until it reaches the height of the openings (which are above the “floor” of the chute) and would only then be ejected. Thus, the openings would be completely ineffectual as a debris ejection system. Accordingly,

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Amendment A

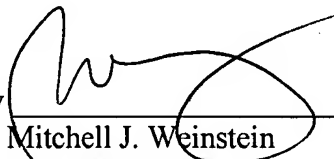
Applicant submits that claim 14 and the claims depending from claim 14 are allowable over the art of record.

In conclusion, Applicant submits that claims 1-2, 6-9 and 12-19 are allowable over the art of record and respectfully and earnestly solicits early indication of same.

A check in the amount of \$200.00 is enclosed with this AMENDMENT A for the fee associated with one additional independent claim. Should and additional fees be due in connection with the present amendment, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920.

Should Examiner Nguyen believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

By   
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August 4, 2005  
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